



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



July 23, 2003

Palmira M. Pina, President
Capital Service, Inc.
486 Read Street
Seekonk, MA 02771

NOTICE OF PAST VIOLATION

Re: Complaint Investigation
Shaw's – Lorden Plaza
Milford, NH

Dear Ms. Pina:

Thank you for your prompt attention to the New Hampshire Department of Environmental Services' Water Division Wastewater Engineering Bureau ("DES") Notice of Findings ("NOF") dated July 2, 2003, and providing the requested information in a complete manner. The purpose of this Notice of Past Violation ("NOPV") is to put Capital Service Incorporated ("CSI") on notice of the violation that occurred in Milford, on April 24, 2003.

BACKGROUND

The following account was relayed to CSI in DES' NOF dated July 2, 2003

On April 24, 2003, personnel from DES investigated a complaint of an unpermitted discharge of wastewater to a storm drain located in the Shaw's parking lot in Lorden Plaza, Milford, NH. Personnel who were present during the investigation included Pete Foscitt, Shaw's Store Manager, and Roy Gilbreth, DES investigator. Reportedly, at approximately 7:00 a.m., personnel from CSI were seen dumping wastewater from their floor cleaning equipment to the storm drain, before loading the equipment into their vehicle. The vehicle was described as a dark blue or black Ford van having Massachusetts license plate number 3442NX. Mr. Foscitt immediately investigated while CSI was discharging the wastewater to the storm drain. The CSI personnel told Mr. Foscitt they were dumping the wastewater to the drain in order to reduce the weight of the equipment.

At approximately 11:30 a.m., on April 24, 2003, DES visually inspected the storm drain, and observed no unusual signs of contamination of the standing water in the drain, nor around the paved area surrounding the drain. DES notified Mr. Foscitt that this method of wastewater disposal is illegal, pursuant to New Hampshire Revised Statutes Annotated ("RSA") Chapter 485-A Section 13, I (a), the floor wash water and any other wastewater containing regulated contaminants cannot be discharged directly to the ground or to the surface waters of the State, without first obtaining a permit.


DES requested further information in the NOF, and received CSI's response letter dated July 8, 2003. DES is satisfied with the information provided in CSI's letter detailing the circumstances related to the April 24, 2003 discharge.

VIOLATIONS

New Hampshire Revised Statutes Annotated ("RSA") Chapter 485-A Section 13, I(a) ("RSA 485-A:13, I(a)") states that "It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from the Department of Environmental Services." Based on the information available on this spill, and the response letter from CSI dated July 8, 2003, DES believes that CSI violated this statute.

CSI, is responsible for complying with all applicable requirements, whether found in statutes, rules or applicable permit(s). Other than taking steps to prevent future unpermitted discharges, including employee (and CSI's associates) education, as explained in your response letter, no further action relative to this discharge is required. If you have any questions regarding this Notice of Past Violations, please contact Mary Jane Meier at (603) 271-5553.

Sincerely,


COPY
John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 1471

cc: Sharon L. Ducharme, P.E. – DES WWEB
Mark Harbaugh – DES Legal Unit
Mitch Locker – DES WSEB
Pete Foscitt- Store Manager, Shaw's Lorden Plaza, Milford, NH
Bob Kosobucki- Cleaning Services Manager, Shaw's Corporate Office, East
Bridgewater, MA
Joy Hilton, US EPA, Water Technical Unit